

REMARKS

In the July 6, 2005 Office Action, claims 1-7 were rejected under 35 USC § 101 because the claimed invention is not within the technological arts; claims 1-4 and 8-11 were rejected under 35 USC § 102 as anticipated by U.S. Patent 5,781,731 to Koreeda et al.; and claims 5-7 and 12-14 were rejected under 35 USC § 103 as unpatentable over Koreeda in view of U.S. Patent 5,991,276 to Yamamoto. The rejections are respectfully traversed below.

Rejections under 35 USC § 101

In item 3, spanning pages 2 and 3, of the Office Action claims 1-7 were rejected under 35 USC § 101 because the claimed invention allegedly is not within the technological arts and comprises mere abstract ideas.

With respect to the first basis for rejecting the claims under 35 USC § 101, i.e., the alleged lack of a practical application in the technological arts, the Examiner's attention is directed to the precedential decision of *Ex parte Lundgren*, 76 USPQ2d 1385 (PTO Bd. App. & Int. 2005), where the Board of Patent Appeals and Interferences ruled "that there is currently no judicially recognized 'technological arts' test to determine patent eligible subject matter under § 101." Furthermore, the revised Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf) follow the *Lundgren* decision and clarify that this basis for the rejection under § 101 is without foundation in the law.

With respect to the assertion that the claims recite mere "abstract ideas", it is noted that independent claim 1 recites a "conference management assistance apparatus" (claim 1, line 1) with "section[s]" (claim 1, lines 3 and 7) culminating in "planning ... a schedule for the conference" (claim 1, lines 1, 2 and 3).

It is submitted that an apparatus that generates a planned schedule for a conference does not recite mere "abstract ideas." It is submitted that the acknowledgment by the Examiner that "claims 1-7 produce a useful, concrete, and tangible result" (Office Action page 3, line 4) requires a conclusion that claims 1-7 recite statutory subject matter. Thus, it is respectfully requested that the rejections of claims 1-7 be withdrawn in the next Office Action.

Rejections under 35 USC § 102

In item 5, on pages 3-5 of the Office Action, claims 1-4 and 8-11 were rejected under 35 USC § 102(b) as anticipated by Koreeda.

Claim 1 recites in part:

an information accepting section which accepts necessary information needed for scheduling of a given conference, the necessary information containing a scheduled time of the entire conference as well as minimum guaranteed time which needs to be secured at the minimum and desired, normally requested time for each subject to be addressed

(claim 1, lines 3-6). In other words claim 1 recites determining a conference schedule based on the amount of content that needs to be addressed. What was cited in Koreeda describes accepting and registering conference contents (column 11, lines 15-17); scheduling the month, day and time and adjusting such conference schedules (column 9, line 66 through column 10, line 18); and:

hour determining means for selecting an optimum time zone within which all members are able to attend from the available time information answer from the requested attendants and determining the selected optimum time zone, conference contents notifying means for notifying the determined conference contents to a user who has input the conference conditions, and conference notifying means for transmitting a conference schedule confirmation notice message to the information processing apparatus of the requested attendants on the basis of information of the conference contents determined by the conference hour determining means

(column 4, lines 45-56). In other words, Koreeda discloses determining a conference schedule at a time when conference attendees can attend based on the contents that interest the attendees. Thus, nothing has been cited or found in Koreeda that teaches or suggests scheduling a "minimum guaranteed time which needs to be secured at the minimum and desired, normally requested time for each subject to be addressed" (claim 1, lines 5-6). Therefore, one way that the invention distinguishes over the applied art is that according to the invention, conference time is scheduled based on the time required to present the conference subject matter. This is in contrast to Koreeda which describes scheduling based on when attendees are available to attend a specific subject area of interest. Nothing has been cited or found in Koreeda describing how the length of a presentation is determined. That is what the present invention accomplishes. Thus, the scheduling performed by Koreeda might be applied after the present invention has determined the length of the presentations, to rearrange presentations for the convenience of the potential attendees.

Independent claim 8 recites conference scheduling elements based on subject matter in a manner similar to claim 1. Thus, independent claim 8 and dependent claims 2-7 which depend from claim 1 and dependent claims 9-14 which depend from claim 8 distinguish over the applied art for reasons discussed in regard to claim 1.

In addition, dependent claim 2 recites accepting "input of priority of time allocation for each subject to be addressed" (claim 2, lines 2-3). What was cited in Koreeda describes allocating incremental start times of the conference based on "the optimum time zone ... within which all members are available to attend" (column 11, lines 20-25). This is different than the "priority of time allocation" element of claim 2. Nothing has been cited or found in Koreeda that teaches or suggests what is recited in claim 2. Similar limitations are recited in claim 9. Thus, claims 2 and 9 distinguish over the applied art for these additional reasons.

Rejections under 35 USC § 103

In item 7, on pages 5-6 of the Office Action, claims 5-7 and 12-14 were rejected under 35 USC § 103(a) as unpatentable over Koreeda in view of Yamamoto. However, no grounds of rejection were provided for claim 13 in the body of the Office Action. Therefore, Applicants respectfully request either an explanation of why claim 13 was rejected or an indication of allowable subject matter in claim 13 in the next Office Action.

Claims 5-7 and 12-14 depend from claims 1 and 8 and subsequent base claims respectively. Thus, claims 5-7 and 12-14 distinguish over Koreeda taken alone for reasons discussed above in regard to the rejections under 35 USC § 102. Nothing has been cited or found in Yamamoto suggesting modification of Koreeda to overcome the deficiencies discussed above.

In addition, claim 5 recites that "a schedule management section ... measures the time from the start of discussion of the subjects addressed at the conference and gives a notice when a scheduled discussion end time of a subject under discussion comes" (claim 5, lines 2-4). What was cited in Yamamoto describes detecting "an appropriate timing to notify the participants, in advance of the end of the conference. This timing is set to a short time ... before the scheduled closing time" (column 12, lines 51-60). The difference is that the invention "measures the time from the start of discussion"; this is in contrast to setting a short time measured from the "closing time" as described in Yamamoto. Also, the Office Action admitted that "[as] per claims 5-6, Koreeda et al. ... fail[s] to [disclose] a management section which measures the time from the start of discussion of the subjects addressed at the conference" (Office Action, page 5, lines 18-20). Thus, nothing has been cited or found in Koreeda and Yamamoto either combined together or considered individually that teaches or suggests each limitation of claim 5.

Dependent claim 12 recites time measuring limitations in a manner similar to claim 5. Therefore, claim 12 distinguishes over the applied art for the additional reasons discussed above in regard to claim 5.

Claims 6 and 7 depend from claim 5 and claims 13 and 14 depend from claim 12. Thus, claims 6-7 and 12-14 distinguish over the applied art for the additional reasons discussed above in regard to claim 5.

CONCLUSION

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-14 are in condition suitable for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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